



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2620

Introduced 1/20/2006, by Sen. J. Bradley Burzynski

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-12-9

from Ch. 24, par. 11-12-9

Amends the Municipal Code. In a Section pertaining to jurisdictional boundary line agreements between municipalities, provides that no jurisdictional boundary line agreement shall be valid for a term exceeding 5 years (now, 20 years), and that, if no term is stated, the agreement shall be valid for a term of 5 years (now, 20 years). Creates additional notice requirements in the form of written notice by registered mail, return receipt requested, to all owners of property affected by the agreement and all owners of adjoining property, and, in the case of agreements entered into on or after January 1, 2007, requires a public hearing. Also eliminates the provision that notice is required only in the case of agreements entered into on or after January 1, 2006. Effective immediately.

LRB094 16329 HLH 51579 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-12-9 as follows:

6 (65 ILCS 5/11-12-9) (from Ch. 24, par. 11-12-9)

7 Sec. 11-12-9. If unincorporated territory is within one and
8 one-half miles of the boundaries of two or more corporate
9 authorities that have adopted official plans, the corporate
10 authorities involved may agree upon a line which shall mark the
11 boundaries of the jurisdiction of each of the corporate
12 authorities who have adopted such agreement. On and after
13 September 24, 1987, such agreement may provide that one or more
14 of the municipalities shall not annex territory which lies
15 within the jurisdiction of any other municipality, as
16 established by such line. In the absence of such a boundary
17 line agreement, nothing in this paragraph shall be construed as
18 a limitation on the power of any municipality to annex
19 territory. In arriving at an agreement for a jurisdictional
20 boundary line, the corporate authorities concerned shall give
21 consideration to the natural flow of storm water drainage, and,
22 when practical, shall include all of any single tract having
23 common ownership within the jurisdiction of one corporate
24 authority. Such agreement shall not become effective until
25 copies thereof, certified as to adoption by the municipal
26 clerks of the respective municipalities, have been filed in the
27 Recorder's Office and made available in the office of the
28 municipal clerk of each agreeing municipality.

29 Any agreement for a jurisdictional boundary line shall be
30 valid for such term of years as may be stated therein, but not
31 to exceed 5 ~~20~~ years, and if no term is stated, shall be valid
32 for a term of 5 ~~20~~ years. The term of such agreement may be

1 extended, renewed or revised at the end of the initial or
2 extended term thereof by further agreement of the
3 municipalities.

4 In the absence of such agreement, the jurisdiction of any
5 one of the corporate authorities shall extend to a median line
6 equidistant from its boundary and the boundary of the other
7 corporate authority nearest to the boundary of the first
8 corporate authority at any given point on the line.

9 ~~No On and after January 1, 2006, no~~ corporate authority may
10 enter into an agreement pursuant to this Section unless, not
11 less than 30 days and not more than 120 days prior to formal
12 approval thereof by the corporate authority, it shall have
13 first provided ~~public~~ notice of the proposed boundary agreement
14 by all both of the following:

15 (1) the posting of a public notice for not less than 15
16 consecutive days in the same location at which notices of
17 village board or city council meetings are posted; ~~and~~

18 (2) publication on at least one occasion in a newspaper
19 of general circulation within the territory that is subject
20 to the proposed agreement; and ~~and~~

21 (3) written notice by registered mail, return receipt
22 requested, to the owners as reflected in the authenticated
23 tax records of the county, of all property affected by the
24 proposed agreement and of all property immediately
25 adjoining property affected by the proposed agreement.

26 Each municipality shall be responsible for notifying the
27 owners of property within its proposed jurisdiction and those
28 owners of property adjoining its proposed jurisdiction but
29 outside of the proposed jurisdiction of any other municipality
30 that is a party to the proposed agreement.

31 On and after January 1, 2007, no corporate authority may
32 enter into an agreement pursuant to this Section unless, not
33 less than 15 days and not more than 90 days prior to formal
34 approval thereof by the corporate authority, it shall have
35 first conducted a public hearing on the proposed boundary
36 agreement. The 2 or more municipalities proposing the agreement

1 may each satisfy this requirement for a public hearing by
2 jointly holding a single public hearing. Notice of the public
3 hearing shall be in the form of and at the times stated in this
4 Section for the giving of notice, except that the public
5 hearing may not be held less than 30 days nor more than 60 days
6 after such notice is given.

7 The validity of a boundary agreement may not be legally
8 challenged on the grounds that the notice as required by this
9 Section was not properly given unless the challenge is
10 initiated within 12 months after the formal approval of the
11 boundary agreement.

12 An agreement that addresses jurisdictional boundary lines
13 shall be entirely unenforceable for any party thereto that
14 subsequently enters into another agreement that addresses
15 jurisdictional boundary lines that is in conflict with any of
16 the terms of the first agreement without the consent of all
17 parties to the first agreement.

18 This amendatory Act of 1990 is declarative of the existing
19 law and shall not be construed to modify or amend existing
20 boundary line agreements, nor shall it be construed to create
21 powers of a municipality not already in existence.

22 Except for those provisions to take effect prospectively,
23 this amendatory Act of the 94th General Assembly is declarative
24 of existing law and shall not be construed to modify or amend
25 existing boundary line agreements entered into on or before the
26 effective date of this amendatory Act, nor shall it be
27 construed to create powers of a municipality not already in
28 existence on the effective date of this amendatory Act.

29 (Source: P.A. 94-374, eff. 7-29-05.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.